

REMARKS/ARGUMENTS

Claims 17-28 are pending after entry of this amendment. Claims 1-16 are canceled. New claims 17-28 are added. No new matter is believed added by the new claims.

Original claims 1-7, 9, and, 13-16 were rejected under 35 U.S.C. Section 102 based on U.S. Patent Application Publication No. 2004/0006704 to Dahlstrom.

Original claims 8 and 10-12 were rejected under 35 U.S.C. Section 103 in view of Dahlstrom and f U.S. Patent Application Publication No. 2002/0040306 to Sugiyama et. al.

Objection to Specification

The Abstract is amended to remove the reference numbers. The Applicants believe that the Abstract, as amended, is now in compliance with Section 608.01(b) of the MPEP. The Applicants respectfully request reconsideration of the Abstract.

Claim Objections

Claims 15 and 16 were objected for informalities. Claims 15 and 16 are canceled, without conceding the merits of the objections or the art rejections.

Claims Rejections under 35 U.S.C § 112

Claims 10 and 11 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 10 and 11 are canceled, without conceding the merits of the Section 112 or Section 102 rejections.

Claims Amendments

Claims 1-16 have been canceled without prejudice or disclaimer and without conceding the merits of the substantive rejections.

Independent claim 17 has been appended and claims substantially the subject matter of claims 1, 5, and 8 as originally filed.

Independent claim 18 has been appended and claims substantially the subject matter of claims 2, 5, and 8 as originally filed.

Independent claim 18 has been appended and claims substantially the subject matter of claims 2, 5, and 8 as originally filed.

Independent claims 25 and 26 have been appended and are respectively claims 13 and 14 as originally filed.

Independent claims 27 and 28 have been appended and are correspond respectively to appended claims 17 and 18.

No new matter has been added.

Claim Rejections under 35 U.S.C § 103

Claim 17 recites in part:

...the fourth information processing apparatus has a compensation amount storage section for storing a compensation amount of insurance which an organization operating the second site has taken out and which compensates a loss occurring in a case where damage due to a threat is suffered...

...the fourth information processing apparatus has an evaluation data reception section for receiving the evaluation data [which is based on threat data], and

...the fourth information processing apparatus has a compensation amount setting section for resetting the stored compensation amount to the compensation amount determined in accordance with the evaluation data received by the evaluation data reception section. (Emphasis Added)

This element in claim 17 is substantially similar to the element recited in original claim 8. The Examiner has acknowledged that Dahlstrom does not disclose this element. (Office action at page 6). To cure this deficiency, the Examiner suggested a combination with Sugiyama. Applicants respectfully traverse.

Sugiyama discloses a method for insuring an on-line transaction such as email, web browsing etc. In the method disclosed by Sugiyama, the user has to choose from predetermined insurance amounts based on the activity that he/she wants to insure:

The first input/output module 10 displays an insurance purchaser a set of predetermined activities that an insurance provider offers for insurance coverage...The insurance purchaser selects the activities to be covered and inputs the selected activities on the first input/output module 10. The second input/output module 12 displays an insurance purchaser a set of predetermined coverage amounts that an insurance provider offers for the Internet insurance. According to the preferred embodiment, the insurance purchaser selects the coverage amount for each of the selected insured activities and inputs the maximal coverage amount in the second input/output module 12. (Sugiyama at Paragraph [0024]; Emphasis Added)

In contrast, in accordance with claim 17, threats regarding a company as a whole and risks associated with the internet are evaluated before providing the insurance. "The evaluator creates an evaluation report by matching the information security policies obtained from the customer and the information on threats obtained from the threat information provider." (Specification at ¶ [0066]). "The evaluator transmits the evaluation report to the customer and the insurer." (Specification at ¶ [0067]). "The insurer audits whether the customer appropriately performs operation in accordance with the information security policies ..., and creates an audit report in which the result is described. The insurer determines a compensation amount in consideration for the evaluation and audit reports." (Specification at ¶ [0068]). This insurance compensation amount is recalculated if the risks changes. Thus, in the claimed embodiment, the compensation amount of insurance is dynamically determined. The Applicants assert that Sugiyama does not disclose "resetting the stored compensation amount to the compensation amount determined in accordance with the evaluation data [generated based on threat data]," as recited in claim 17.

The Dahlstrom reference is silent as to resetting compensation amounts in accordance with evaluation data generated based on threat data. As explained above, Sugiyama is similarly silent as to resetting compensation amounts, teaching instead having fixed insured coverage for fixed predetermined activities. It logically follows, then, that the combination also fails to teach

" the fourth information processing apparatus has a compensation amount setting section for resetting the stored compensation amount to the compensation amount determined in accordance with the evaluation data received by the evaluation data reception section."

as recited in claim 17.

The Examiner is respectfully reminded that:

rejections on obviousness ... [require] some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. (MPEP §2142).

Applicants submit that there is no support for a legal conclusion of obviousness because there is no rational basis for combining Dahlstrom and Sugiyama.

Dahlstrom discloses a method for determining security vulnerabilities. The security vulnerabilities are determined by "comparing the characteristics of each product to a plurality of product records, each product record including one or more security vulnerabilities associated with the product record and one or more fixes associated with each security vulnerability." (Dahlstrom at ¶ [0006], see also ¶¶ [0068-0070]). Dahlstrom provides no basis for assigning a specific monetary amount to the damages caused in the event of a security breach, and more to the point, does not mention nor even suggest the notion of assigning a specific monetary amount to the damages. Consequently, there is no basis for looking to Sugiyama's teaching of assigning different insurance coverage for different activities. Therefore, no rational basis exists for combining Sugiyama with Dahlstrom in the manner proposed by the examiner to arrive at the claimed invention.

Moreover, as noted above since neither reference teaches the claimed aspect of resetting compensation amounts based on evaluation of threat data, even if the references could be combined, their combination still fails to obtain the pending claims. Thus, claim 17 is allowable over Dahlstrom and Sugiyama, singly or in combination. Claims 18-21, which depend on claim 17, are also allowable for the reasons stated above and for the additional elements that they recite.

Claim 23 recites elements substantially similar to the ones in claim 17. Hence claim 23 and its dependant claims 23-24 are allowable for the reasons stated in connection with claim 17 above.

Claims 25 and 26 recite elements that are substantially similar to original claims 13 and 14. Original claims 13 and 14 were rejected as being anticipated by Dahlstrom. Applicants respectfully traverse.

As a threshold matter, the Examiner is reminded that:

for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (MPEP § 706.02).

Claim 25 recites in part:

...wherein the second information processing apparatus
has a policy data storage section for storing policy data which

is data indicating an information security policy operated on the second site...

A review of Dahlstrom, and especially of the cited ¶¶ ([0024] and [0025]), fails to reveal the element recited above. The Examiner is respectfully requested to point out where Dahlstrom teaches the element recited above. As best understood, Dahlstrom does not teach a policy data storage section having stored therein policy data regarding information security policy.

Claim 25 further recites in pertinent part:

the first information processing apparatus has an effective policy data extraction section for extracting a piece of policy data to which there is a piece of threat data corresponding in the threat data received by the threat data reception section, out of the policy data received by the policy data reception section, based on the correspondence data, and an evaluation data generation section for generating evaluation data in which the extracted policy data is described.

The Examiner asserts that this element is disclosed by Dahlstrom, citing at least ¶¶ [0071], [0072], and [0046]. Applicants respectfully traverse. A thorough review of the cited paragraphs fail to reveal any mention of a "extraction section" or "evaluation data generation section" at least as recited in claim 25. The Examiner is respectfully requested to point out where Dahlstrom teaches the element recited above. As best understood, Dahlstrom does not show an effective policy data extractor.

In light of the failure of Dahlstrom to teach or suggest all the claim elements, claim 25 is in condition for allowance.

Claim 26 recites in part:

the first information processing apparatus has an untreated threat data extraction section for extracting a piece of threat data to which there is no piece of policy data corresponding in the policy data received by the policy data reception section, out of the threat data received by the threat data reception section, based on the correspondence data, and an evaluation data generation section for generating evaluation data in which the extracted threat data is described.

The Examiner asserts that this element is disclosed by Dahlstrom, citing at least, paragraphs [0071], [0072], and [0046]. Applicants respectfully traverse. A thorough review of

the cited paragraphs fail to reveal any mention of a "untreated threat data extraction section" or "evaluation data generation section" at least as recited in claim 26. The Examiner is respectfully requested to point out where Dahlstrom teaches the element recited above. As best understood, Dahlstrom does not show a first information processing apparatus having an untreated threat data extraction section for extracting a piece of threat data.

In light of the failure of Dahlstrom to teach or suggest all the claim elements, claim 26 is in condition for allowance.

Claims 27 and 28 recite elements substantially similar to the ones in claim 17 and 18, respectively. Hence claims 27 and 28 are allowable for the reasons stated in connection with claims 17 and 18 above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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